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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Leandre Adifon, et. al.

Appln. No.: 09/497,359

Filing Date: February 3, 2000



Docket: OT-4538

Date: May 23, 2005

Group Art Unit: 3652

Examiner: T. Tran

Title: ELEVATOR STRUCTURE MOUNTING SYSTEM HAVING HORIZONTAL
COMPRESSION MEMBER FOR REDUCING BUILDING LOADS AT TOP OF
HOISTWAY

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REPLY BRIEF

PURSUANT TO 37 C.F.R. §41.41

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GROUP 3600

1. REAL PARTY IN INTEREST

No additional comment.

2. RELATED APPEALS AND INTERFERENCES

No additional comment.

3. STATUS OF CLAIMS

No additional comment.

4. **STATUS OF AMENDMENTS**

No additional comment.

5. **SUMMARY OF INVENTION**

No additional comment.

6. **ISSUE(S)**

Appellants agree with the Examiner's restatement of the issues.

7. **GROUPING OF CLAIMS**

Appellants agree with the Examiner's regrouping of the claims. Thus, for the purposes of this Appeal, the claims will be grouped as follows:

- I. claims 1-10 and 14-20 will be grouped together, and
- II. claims 11-13 will be grouped together.

Each group will stand or fall on its own, independently of the other groups.

8. **ARGUMENT(S)**

(a) Whether claims 1, 14 and 17 are obvious under §103 over Miller et al. in view of Rodosta.

(i) The asserted combination would not include all of the features recited in claim 1.

Initially, Appellants now recognize that Fig. 1 of Miller et al. may be construed as disclosing that the other dead-end hitch 44 may be affixed and supported by the counterweight guide rail 22. Therefore, Appellants no longer understand there to be no indication in Miller et al. as to how or where the other dead-end hitch 44 is affixed. However, this merely reinforces Appellants' assertion that, even if combined in the asserted manner, Miller et al. and Rodosta fail to disclose salient features of the invention recited in Claim 1.

The two ends of the ropes 24 in Miller et al. are affixed at hitches 38 and 44, respectively. The hitch 38 is mounted at the top of beam 64. The length of the rope 24 that depends from

hitch 44 extends down to counterweight 18 and back up to traction sheave 42, which is mounted on beam 52. (Column 2, lines 60-63; column 3, lines 5-13.) Even assuming that the Examiner's Answer is correct in its assertion that one of ordinary skill in the art would have recognized that there are non-vertical tension loads caused by the center of gravity of the suspended load, any such loads would tend to draw the hitch 44 (and the guide rail 22, if the hitch 44 is mounted thereon) toward the beam 52 (on which the traction sheave 42 is mounted) rather than toward the beam 64 (with respect to which the other end of the rope is affixed at hitch 38). Therefore, even assuming that a compression member would have been incorporated into the system of Miller et al. for the asserted reasons, such compression member would not be positioned between the rigid structure supporting hitch 44 and the rigid structure supporting hitch 38.

Therefore, even if combined as asserted, the documents would fail to disclose or suggest a compression member is positioned a pair of rigid structures with respect to which the ends of the elevator ropes are suspended.

(ii) The asserted combination is not proper.

The Examiner's Answer asserts repeatedly that Appellants' argument that Miller et al. does not disclose or suggest any concern whatsoever with bending due to non-vertical loading, is not commensurate with the appeal claims. However, it is the Final Rejection that introduces the concept of preventing a rigid structure from bending due to non-vertical loading – as the motivation for asserting that it would have been obvious to have provided the transverse tie rods 18-20 of Rodosta, which are equated in the Final Rejection to the claimed compression member, between the "rigid structures" of Miller et al. This asserted motivation is reiterated in the Examiner's Answer at page 4, lines 17-22.

Appellants are arguing that there would have been no such motivation.

Rodosta relates to a free-standing automobile lift consisting of four hollow, vertical corner posts, which are "rigidly-fixed" to a floor and not to any surrounding vertical structures, and a vehicle-supporting frame slidably connected to the posts. The reasons for providing the transverse tie rods 18-20 to the structure of Rodosta simply would not have applied to the beams or rails of Miller et al., which are disposed within a closed hoistway and apparently are mounted to the surrounding walls by conventional means. As noted in Appellants' appeal brief, one of

skill in the art would not have had any objective reason to believe a compression member would be needed in the arrangement of Miller et al., whether to prevent bending due to non-vertical loading or for any other reason.

Therefore, there would have been no objective motivation to combine the cited documents as asserted, and Appellants respectfully submit that the combination of Miller et al. in view of Rodosta is not proper.

Therefore, claim 1 would not have been obvious in view of Miller et al. in view of Rodosta.

(b) Whether claim 11 is obvious under §103 over Miller et al. in view of Rodosta.

For the same reasons discussed above in connection with the rejection of claim 1, Appellants respectfully reiterate the assertion that the combination of Miller et al. in view of Rodosta is not proper.

However, the Examiner's Answer alleges that Appellants repeat the arguments regarding claim 1 in asserting that the combination would not have included all of the features recited in claim 11. Appellants respectfully disagree.

As noted, Rodosta discloses a free-standing structure. Appellants find no disclosure in Miller et al. as to which walls the structures supporting hitches 38 and 44 are affixed. Therefore, neither document discloses or suggests suspending an elevator assembly from a pair of rigid structures that are affixed to opposing walls of the hoistway.

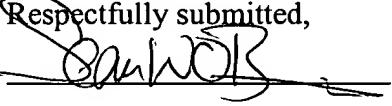
Thus, the cited combination fails to disclose or suggest the features recited in Claim 11 regarding positioning the compression member between a pair of rigid structures that are affixed to opposing walls of the hoistway and, as noted previously, between points on said rigid structures from which said elevator assembly is suspended.

Therefore, claim 11 would not have been obvious in view of Miller et al. in view of Rodosta.

Conclusion

As appellants have traversed each and every rejection raised in the Final Rejection, it is respectfully requested that the rejections be reversed and the rejected claims be passed to issue.

Please charge any necessary fees to Deposit Account No. 15-0750, Order No. OT-4538.

Respectfully submitted,
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